

**ORIGINAL**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

AUG 16 2010

JAMES N. HATTEN, Clerk  
*[Signature]*  
CLERK

THE HOME DEPOT U.S.A., INC. and  
HOMER TLC, INC.

Plaintiffs,

vs.

OAKLEAF WASTE MANAGEMENT,  
LLC,

Defendant.

Civil Action No. 1:10-cv-01437-RWS

**CONSENT PERMANENT INJUNCTION**

This matter having come before the Court, and it being represented to the Court that Plaintiffs, The Home Depot U.S.A., Inc. ("Home Depot") and Homer TLC, Inc. ("Homer") (collectively, "Plaintiffs") and Defendant, Oakleaf Global Holdings, Inc., the parent entity of Oakleaf Waste Management, LLC, have reached a settlement in the above-styled action (the "Lawsuit"), based on the consent and agreement of all parties, the Court hereby ORDERS, ADJUDGES, and DECREES as follows:

IT IS HEREBY ORDERED that Defendant Oakleaf Waste Management, LLC and its subsidiaries, parent corporations, and all other persons or entities (including, but not limited to, their officers, agents, servants and employees) who

are in active concert or participation with them are hereby permanently restrained and enjoined from:

1. Using, without plaintiffs' written consent, Plaintiffs' name, logo, or other existing trademarks, including, without limitation, the trademarks registered with the United States Patent & Trademark Office as Registration Nos. 1188191, 1152625, 1431636, 1835705, 1297161, and 2276946 (collectively, the "Home Depot Marks"), in connection with any of Defendant's businesses, including, without limitation, any of Defendant's dumpster rental businesses;
2. Making any representations to any person that Defendant is in any way affiliated with Plaintiffs or authorized to sell, market or distribute Plaintiffs' products and/or services, including, without limitation, dumpsters;
3. Implying that any affiliation or sponsorship exists between Defendant and Plaintiffs;
4. Using the Home Depot Marks or Home Depot name in meta tags or other hidden or buried code for any Internet website owned, operated, controlled or maintained by Defendant or by any other third-party acting in concert with it;
5. Using the Home Depot Marks in any hidden keyword advertising programs, such as, but not limited to, Google Adwords, that would directly or

indirectly lead Internet users to any website owned, operated, controlled or maintained by Defendant or by any other third-party acting in concert with it;

6. Operating or controlling, directly or indirectly, or otherwise using in any way, the www.hddumpster.com domain and/or any subdomains thereof;


7. IT IS FURTHER ORDERED THAT Plaintiffs and Defendant are to bear their own expenses and attorneys' fees incurred up to the date of this Order;

8. IT IS FURTHER ORDERED THAT this Court will retain jurisdiction over this action and the parties, including, without limitation, jurisdiction for any proceedings related to any motion for contempt or alleged violation of this Consent Permanent Injunction, including, without limitation, the power to construe, interpret, and enforce any of its provisions, and any provisions of the settlement agreement;

9. IT IS FURTHER ORDERED THAT by their signatures affixed below, each of the parties warrants that it knowingly and willingly enters into this Consent Permanent Injunction; and

10. The Clerk is directed to enter this Order forthwith, and this permanent injunctive relief shall take effect immediately upon entry thereof.

SO ORDERED this 16<sup>th</sup> day of August, 2010.

  
The Honorable Richard W. Story  
Judge, United States District Court,  
Northern District of Georgia

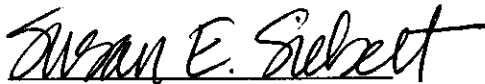
ORDER PREPARED AND CONSENTED TO, THIS 12<sup>th</sup> DAY OF August,  
2010, BY:



George W. "Buddy" Darden  
Jeanine G. Garvie  
Ian K. Byrnside

MCKENNA LONG & ALDRIDGE LLP  
303 Peachtree Street, Suite 5300  
Atlanta, Georgia 30308  
(404) 527-4000  
(404) 527-4198 (facsimile)

*Attorneys for Plaintiffs*



Susan E. Siebert

EDWARDS ANGELL PALMER & DODGE LLP  
111 Huntington Avenue  
Boston, Massachusetts 02199-7613  
(617) 951-2220  
(888) 325-9131 (facsimile)

*Attorney for Defendant*

**EXHIBIT D**